

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOSEPH ROVESS STINES,
Petitioner,

**CRIMINAL NO. 98-80812-01
CIVIL No. 04-74075**

vs.

UNITED STATES OF AMERICA,
Respondent.

**HONORABLE PAUL BORMAN
HONORABLE STEVEN D. PEPE**

ORDER DENYING PLAINTIFF'S MOTION TO UNSEAL FILE (#502)

On December 10, 2004, Plaintiff filed a motion to unseal the sentencing files of fifteen individuals who apparently testified against him, and he believes gave false testimony concerning any promises or incentives offered them by the government. Plaintiff was assigned counsel who on June 7, 2005, filed a second motion to unseal Hans Thomas' sentencing file asserting the Assistant U.S. Attorney misrepresented Thomas' plea deal as 20 years including a 10 mandatory minimum. Mr. Thomas was sentenced in October 1999. Yet, Mr. Thomas was apparently free in December 2002 when an arrest warrant for murder issued for him. Petitioner's earlier motion sought sentencing files on 15 individuals including Hans Thomas. Because Petitioner is now represented by counsel, who is also to amend Petitioner's § 2255 motion, it is assumed that the earlier motion to unseal is superceded by Plaintiff's June 7, 2005, motion to unseal. Therefore, the December 10, 2004, motion to unseal file is DENIED as moot without prejudice.

SO ORDERED.

Dated: September 30, 2005
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

Certificate of Service

I hereby certify that copies of this Order were served upon the attorneys of record by electronic means or U. S. Mail on September 30, 2005.

s/William J. Barkholz
Courtroom Deputy Clerk